

REMARKS

Claims 115-118 and 120-127 were rejected under §103(a) as unpatentable over (1) Kraft et al. (US 4,760,103) in view of (2) Eadara (US 5,198,065) or JP 6-145630 and further in view of (3) O'Brill (US 4,172,063) or Chinese patent 1,057,849. Applicants disagree.

The primary reference is Kraft et al. which discloses a nonskid composition that lacks both an epoxy-containing toughening agent and a glass fiber thixotrope and impact toughening agent.

The examiner turns to either Eadara or JP 6-145630 for teaching of an epoxy-containing toughening agent. Initially, applicant points out that Eadara and JP 6-145630 both clearly lack disclosure of a glass fiber thixotrope and impact toughening agent.

Kraft et al. discloses a nonskid coating for, e.g., flight and hangar decks of aircraft carriers. By contrast, Eadara discloses an epoxy adhesive for "bonding steel to moist, acidic wood." See column 1, lines 15-18. In view of the foregoing, the epoxy adhesive of Eadara is totally different from the nonskid composition of Kraft et al. in both composition and application. Applicant submits that the combination of Kraft et al. with Eadara was improper and, therefore, the examiner has not made out a prima facie case of obviousness.

Furthermore, Eadara adds polysulfide as a "flexibilizer." See column 2, lines 51-60. While Kraft et al. does not state why it was added, owing to the desired end use, applicant believes that the elastomer modified epoxy resin (epoxy terminated elastomeric acrylonitrile-butadiene copolymer) appears to have been added by Kraft et al. as a toughener, not to enhance flexibility. Kraft et al. is silent as to flexibility being a desirable property of a nonskid composition. Indeed, Kraft et al. states the opposite in seeking a nonskid composition that has "enhanced impact resistance and resistance to sliding movement thereon by aircraft." See column 1, lines 30-35. Flexibility is not a desirable attribute of Kraft et al.'s nonskid composition, which instead must have high impact resistance. Indeed, combining Eadara with Kraft et al. may well destroy the very purpose of the Kraft et al. invention. In view of the foregoing, a skilled artisan would simply not be motivated to combine Eadara with Kraft et al.

Turning to JP 6-145630, this reference is directed to an adhesive, not a nonskid composition. JP 6-145630 states that the adhesives have "excellent electro-insulation (migration resistance) adhesion (copper peeling strength) and flexibility (folding endurance)." See the Derwent abstract. While JP 6-145630 seeks to increase flexibility, flexibility is not a desired property of Kraft et al.'s nonskid composition to be used for landing strips on aircraft carries. Instead, Kraft et al. seeks to provide a nonskid composition having high impact resistance. Combining JP 6-145630 with Kraft et al. may well destroy the very purpose of the Kraft et al. invention. JP 6-145630 is thus directed to totally different subject matter from Kraft et al. and a skilled artisan would not be motivated to combine JP 6-145630 with Kraft et al.

In view of the foregoing, the §103 rejection based on Kraft et al. in combination with either Eadara or JP 6-145630 is erroneous and should be withdrawn.

The combination of the tertiary references, O'Brill and the Chinese patent, with Kraft et al. is also flawed and in error.

Applicant initially observes that the examiner stated "Kraft et al. is open to the inclusion of fiber fillers in column 1, line 51." (Office Action dated 7/21/05 at page 4.) While Kraft et al. does mention fiber fillers, the only specific fiber filler mentioned is "Pulpex by Hercules." See formula numbers 1-3 in Kraft et al. "Pulpex" is a thermoplastic polyethylene or polypropylene fiber used, e.g., in papermaking. Contrary to the examiner's contention, use of "Pulpex" in Kraft et al. does not motivate a skilled artisan to use any fiber filler or glass fibers in particular. There is no indication in the record that Pulpex and glass fibers are equivalent.

It should be further noted that Kraft et al. in fact adds a separate and discrete thickener (an organic derivative of a montmorillonite clay, see column 6) to change the rheology of the composition. In applicant's claimed topcoat, the glass fibers serve to change the rheology of the composition and serve as an impact toughener – a separate thickener as used in Kraft et al. is not needed.

In view of the foregoing, applicant submits that the examiner too broadly construed Kraft et al. Kraft et al. does not suggest inclusion of any fiber filler. Also, glass fibers as claimed are distinct from Kraft et al.'s Pulpex polyethylene fibers.

We will now address the tertiary references.

O'Brill relates to Portland cement compositions. See, e.g., the Summary of Invention and example 1 of O'Brill. The rheology and chemistry of Portland cement is totally different from the epoxy based nonskid composition of Kraft et al. Accordingly, a skilled artisan would not be motivated to employ the glass fibers used in O'Brill in the nonskid composition of Kraft et al. The combination of O'Brill with Kraft et al. is clearly erroneous.

The Chinese patent relates to a bilayer coating for vibration-damping and fireproofing. The base coat is a polyether-polyurethane. The top coat is formed from epoxy resin, neopentyl glycol glycerol ether, polysulfide rubber, antimony oxide, glass fibers, and a polyamide.

Vibration damping has nothing to do with either Kraft et al. or applicant's claimed invention. For this reason alone, the combination of Kraft et al. with the Chinese reference is improper.

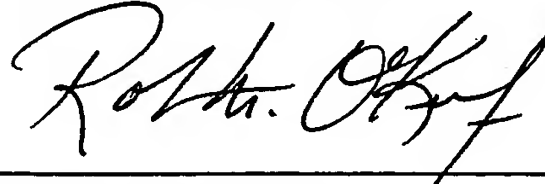
Furthermore, the Chinese reference is silent as to why the glass fibers are added to the top coat. However, applicant notes that the goal of the Chinese reference is vibration-dampening. Apparently, the glass fibers relate to this purpose.

Vibration dampening in the Chinese reference is at least in part accomplished by making the composition more rubbery (through use of the polysulfide), but this does not make the material tougher as is desired in Kraft et al. Vibration damping is not a desired attribute of the nonskid composition of Kraft et al. A skilled artisan would therefore not be motivated to add components of a vibration damping bilayer of the Chinese patent in the nonskid composition of Kraft et al. The combination of Kraft et al. with the Chinese patent is therefore improper.

Lastly, applicant submits that the Examiner is using hindsight to reconstruct applicant's claims. Simply stated, a skilled artisan would not be motivated to combine the references as the Examiner alleges because there is clearly no teaching or suggestion he do so in the references themselves. In view of the foregoing, the rejection is improper and should be withdrawn.

No extension of time is believed to be needed in connection with the filing of this paper. However, if an extension is deemed to be needed, please consider this paper to be a request for such extension and deduct any required fee from deposit account 10-1205/TRIA:007cp1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. O'Keefe", written over a horizontal line.

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